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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,606	03/29/2004	Dino Bongini	Q80770	9741

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WASHINGTON, DC 20037

EXAMINER

PERRIN, JOSEPH L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/810,606

Applicant(s)

BONGINI, DINO

Examiner

Joseph L. Perrin, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-32 is/are pending in the application.
- 4a) Of the above claim(s) 30-32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of applicant's amendment, filed 07 June 2005, the objection to the abstract and rejection under 35 USC §112, second paragraph, have been withdrawn.
2. Applicant's newly submitted claims 22-32 and cancellation of the previous claims 1-21 has resulted in the withdrawal of the previous §102 & §103 rejections over claims 1-21. However, upon further consideration in view of the newly submitted claims, the rejections over LEPPER and FUMAGALLI and MAYER have been maintained.
3. In view of applicant's newly submitted claims 22-32 and canceled claims 1-21 applicant's arguments with respect to the rejection under §102 over FRAGARIA have been fully considered and are persuasive. The rejection has been withdrawn.
4. Since no arguments were presented with respect to LEPPER, the rejection is maintained.
5. Applicant's arguments with respect to FUMAGALLI have been fully considered but they are not persuasive. Applicant argues that "there is absolutely no suggestion whatsoever of the bi-level bottom wall as specifically defined in the newly submitted claims." The Examiner disagrees. As clearly indicated in Figure 2, in the bottom portion of the FUMAGALLI cabinet there is disclosed a container (trolley 11 with container 13) inside the bottom portion

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which defined by upper and lower horizontal portions interconnected by a vertical portion, the vertical portion including guide 12. It is noted that applicant's claimed "bottom wall" is defined by "portions" as well as being claimed with open language "comprising" which may include other structural portions. Accordingly, recitation of FUMAGALLI reads on applicant's claimed invention.

6. Applicant's arguments with respect to MAYER have been fully considered but they are not persuasive. Applicant argues that MAYER "is directed to a completely separate base element". This is not persuasive because MAYER is recited for the conventional use of plastic materials in washing cabinet design.

#### ***Election/Restrictions***

7. Newly submitted claims 30-32 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claims 30-32 are directed to the non-elected species of Figure 5 as indicated in the previous Office action

8. Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 30-32 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 22-23 & 25-27 are rejected under 35 U.S.C. 102(b) as being anticipated by LEPPER. Re claims 22-23 & 25-26, LEPPER discloses (for instance, Figure B) a washing machine tub in a cabinet with the upper portion housing a conventional front loading washing machine and the lower portion having a delimited recess for housing a horizontally slidable container, the container having a top wall, two side walls, a front wall with a lower edge portion above a bottom edge of the side walls, and bottom wall portions having upper and lower horizontal portions connected by a vertical portion (reads on leg portions in Figure B), thereby forming vertical inner side wall portions. Re claim 27, LEPPER further discloses the washing machine supported on feet (Figures B-C). Recitation of LEPPER read on applicant's claimed invention.

11. Claims 22-23 & 25-29 are rejected under 35 U.S.C. 102(b) as being anticipated by FUMAGALLI. Re claims 22-23 & 25-26, FUMAGALLI discloses a front loading washing machine tub having a cabinet 1 with a top space 2 housing a washing tub 4 and drum 8 and a bottom space (recess) housing a trolley 11 and container 13 via a front opening in the cabinet (see Figures 1-3 and paragraphs [0010] – [0011]). The cabinet is defined by a top wall, two side walls, a bottom wall having two horizontal portions connected by vertical portions which define inner walls (Figure 2). FUMAGALLI further discloses the cabinet formed by a front wall as reference numeral "2", shown in Figures 1-2 (the covering in

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Figure 2 is believed to be omitted to view the inside structure of the washing machine, it is further noted that one of ordinary skill would at once envisage a front panel/wall which is standard for appliances). Re claim 27, FUMAGALLI further discloses lower support feet (not numbered, see Figures 1-3). Re claims 28-29, FUMAGALLI further discloses using wheels to horizontally slide the trolley (not numbered, see horizontal slide 12 with wheels associated therewith in Figure 1). Recitation of FUMAGALLI reads on applicant's claimed structure.

### ***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

14. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over LEPPER or FUMAGALLI in view of MAYER. Recitation of LEPPER and FUMAGALLI are repeated here from above. LEPPER and FUMAGALLI do not

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expressly disclose using plastic materials in the cabinet construction. MAYER teaches that it is known to utilize plastic, particularly polypropylen, in base portions of a washing machine assembly (having a storage container in the base) due to availability as "cheap raw material in large quantities" (see paragraphs [0027] – [0032] of electronic translation). Therefore, the position is taken that a person of ordinary skill in the art at the time the invention was made would have been motivated to construct the washing machine base portions of LEPPER or FUMAGALLI with plastic materials for economical advantages.

### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

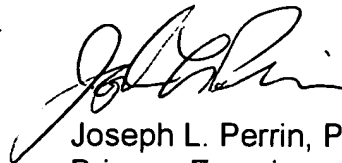
16. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

19. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joseph L. Perrin, Ph.D.  
Primary Examiner  
Art Unit 1746

jlp